IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.1508 OF 2004

Prabhakar Sadanand Potdar : Petitioner

V/s.

Udaykumar Shantaram Potdar & Ors. : Respondents

...

Mr.Atul G. Damle for the petitioner.

None present for the respondents.

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CORAM : S.A. BOBDE, J.

March 22, 2005.

P.C.:

1. This petition is against the order of the Addl. Commissioner, Konkan Division, dated 17.11.2003.

2. By the impugned order, the Addl. Commissioner has reversed the order of the S.D.O., who interfered and effected a mutation in an entry made 15 years earlier. It appears that the petitioner preferred what was styled as an appeal on 22.3.1999 for cancellation of entry no.5949. This entry no.5949 was made on 25.2.1984 and confirmed on 12.3.1984. Admittedly, the earlier entry was also made by a S.D.O. Therefore, obviously, the subsequent application

could not have been styled as an appeal. It appears to have been the contention of the petitioner that it may be treated as a revision. It is not possible to conceive how a revision either was tenable. In any case, the order of the Addl. Commissioner is based on sound principle of law, viz., that even though limitation is provided for filing a particular proceedings, it should be done within a reasonable time and there is no error in the finding of the Addl. Commissioner that 15 years is not a reasonable time. It is well-settled that mutation entries do not affect title in the property and the observations made by the revenue authorities will not bind the civil Court in a civil suit pending between the parties.

3. There is no merit in the petition which is hereby dismissed.

Sd/-

S.A. BOBDE, J.